

NONPRECEDENTIAL DISPOSITION

To be cited only in accordance with FED. R. APP. P. 32.1

United States Court of Appeals

**For the Seventh Circuit
Chicago, Illinois 60604**

Submitted May 19, 2023*

Decided May 26, 2023

Before

DIANE P. WOOD, *Circuit Judge*

JOHN Z. LEE, *Circuit Judge*

DORIS L. PRYOR, *Circuit Judge*

No. 22-1963

DARYL A. BROWN,
Plaintiff-Appellant,

v.

MICHELLE BRIGGS,
Defendant-Appellee.

Appeal from the United States District
Court for the Northern District of
Indiana, South Bend Division.

No. 3:21-CV-181-DRL-MGG

Damon R. Leichty,
Judge.

ORDER

Daryl Brown, an Indiana prisoner, challenges the summary-judgment ruling on his claim that the director of the prison's addiction-treatment program refused to allow

* We have agreed to decide the case without oral argument because the briefs and record adequately present the facts and legal arguments, and oral argument would not significantly aid the court. FED. R. APP. P. 34(a)(2)(C).

him to rejoin the program because of his race. See 42 U.S.C. § 1983. The district court determined that Brown had not exhausted his administrative remedies. We affirm.

We recount the facts in the light most favorable to Brown, the nonmovant. See *White v. Woods*, 48 F.4th 853, 855 (7th Cir. 2022). While imprisoned at Westville Correctional Facility, Brown (who is African American) was accused by staff members Lawrence Machin and Dennis Hood of fighting a white prisoner. Brown denies that any fight occurred, but as a result of the accusation both prisoners were removed from the addiction-treatment program. The prison investigated the charge, and the white prisoner soon was allowed to rejoin the program. But Brown had to wait 60 days until he was “reclassified” to another job. Brown appealed that decision, arguing that he had been reclassified without due process because prison staff did not complete the proper paperwork to support the investigation or his reclassification. The “classification supervisor” (identified only as “Mr. Krueger”) rejected the appeal but told Brown that Michelle Briggs, the program’s director, had decided to let him rejoin the program. And shortly afterward, Brown did so.

Brown then filed an administrative grievance, challenging how Krueger had processed the appeal of his reclassification. According to Brown, Krueger improperly distributed the appeal paperwork: Krueger left no record of his removal from the program, and the absence of any record prevented him from asking prison officials to consider the culpability of Machin, Hood, and Briggs when they reclassified him without due process. Brown also said that he suffered discrimination because the white prisoner was allowed to resume participation in the addiction-treatment program much earlier than he was. Brown did not identify who he thought was responsible for these decisions. He sought backpay for the three months’ interruption in the program.

John Harvil, the prison’s grievance specialist, rejected Brown’s grievance because, among other deficiencies, it raised a classification issue that the prison’s rules did not authorize addressing through the grievance process. Brown did not file another grievance.

A few months later, Brown sued Briggs, Machin, and Hood for (1) violating his due-process rights when they removed him from the program without the proper paperwork and (2) denying him equal protection based on race when they allowed the white prisoner to rejoin the program more quickly than he could. The district court screened his complaint, see 28 U.S.C. § 1915A, and ruled that Brown could proceed only on the equal-protection claim that he had been subjected to discrimination by Briggs—the lone defendant who Brown had alleged to be personally involved in the decision to

let the white prisoner back in the program much earlier than he was. Because Brown did not allege that Machin and Hood had any role in that decision, the court dismissed them from the suit.

Briggs then moved for summary judgment, arguing that Brown had not exhausted his available administrative remedies, as required by the Prison Litigation Reform Act. See 42 U.S.C. § 1997e(a). She relied on an affidavit from Harvil, who attested that (1) he rejected Brown's grievance against Krueger and (2) Brown had not filed a grievance asserting racial discrimination on Briggs's part in deciding whom to allow in to the program.

Next, Brown sought leave to amend his complaint to add Machin and Hood back into the suit as defendants. Brown argued that he had discovered new evidence showing that they had been personally involved in deciding to let the white prisoner rejoin the program earlier than he could.

The court entered summary judgment for Briggs. Brown could not rely on his grievance to show that he exhausted his administrative remedies against Briggs, the court explained, because his grievance did not allege that she had discriminated against him based on race. Nor did Brown provide any evidence that the grievance process was unavailable to him. The court also denied Brown leave to amend his complaint, ruling that it would be futile to add Machin and Hood as defendants because his grievance did not allege that either had racially discriminated against him.

On appeal, Brown first challenges the district court's ruling that his grievance did not allege that Briggs discriminated against him. He points out that his grievance names her specifically and elaborates that the decision to readmit the white prisoner into the program well before him constitutes discrimination.

The district court correctly ruled that Brown's grievance was insufficiently specific to allege that Briggs discriminated against him. A prisoner's grievance must give prison officials a fair opportunity to address the prisoner's complaint—that is, the grievance must raise the same claim as the lawsuit and provide enough information to indicate that the defendant is the target. See *King v. Dart*, 63 F.4th 602, 608 (7th Cir. 2023); *Bowers v. Dart*, 1 F.4th 513, 517–18 (7th Cir. 2021). As the district court explained, the substance of Brown's grievance—Krueger's mishandling of his classification-appeal paperwork—differs from his racial-discrimination claim here. Although the grievance names Briggs and refers to discrimination, the grievance falls short of signaling that Brown meant to accuse Briggs of that discrimination. A fair reading of the grievance

suggests that Brown meant only to connect Briggs to his due-process charge, which related to her role in reclassifying him without the right paperwork.

Next, Brown challenges the district court's denial of leave to add Machin and Hood as defendants. As with his argument concerning Briggs, he argues that they too discriminated against him based on race. The grievance, he points out, names both men and asserts that the disparate handling of the two prisoners' readmission to the program amounts to discrimination.

The district court appropriately exercised its discretion in denying Brown leave to join Machin and Hood as defendants. District courts have broad discretion to deny leave to amend when amendment would be futile. *Zimmerman v. Bornick*, 25 F.4th 491, 494 (7th Cir. 2022). Here, the district court reasonably concluded that adding Machin and Hood as defendants would be futile: Brown's grievance gives no indication that he meant to accuse Machin and Hood of discrimination.

To argue that he did exhaust administrative remedies, Brown points to our decision in *Maddox v. Love*, 655 F.3d 709 (7th Cir. 2011), in which we explained that a procedural shortcoming in a grievance—like failing to name the defendants—does not amount to a failure to exhaust if prison officials addressed the grievance on the merits without rejecting it on procedural grounds. *Id.* at 721–22. Because Harvil allegedly decided his grievance on the merits, Brown contends under *Maddox* that the district court should have concluded that he exhausted administrative remedies, even if his grievance did not specifically accuse the defendants of discrimination.

Maddox is inapposite, however, because Brown's grievance in fact was never addressed on the merits. Harvil attested that he rejected the grievance not on the merits but because it complained about a non-grievable classification issue (Krueger's mishandling of Brown's appeal of his reclassification). Harvil's response to the grievance corroborates that he was returning the grievance to Brown because it raised a classification issue inappropriate for the grievance process.

Finally, Brown challenges the district court's ruling that he lacked evidence that the prison's grievance process was unavailable to him. In Brown's view, the grievance process was unavailable because Harvil responded to Brown's grievance by telling him that a complaint of racial discrimination could not be grieved.

The district court correctly ruled that Brown did not show that the grievance process was unavailable. Harvil did not say or even suggest that discrimination could not be raised in a grievance. He said only that classification issues could not be grieved.

We have considered Brown's remaining arguments, and none merits discussion.

AFFIRMED